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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 SANDRA THOMAS  
13 715 Topsail Drive  
14 Vallejo, CA 94591

15 Registered Nurse License No. 526851

16 Respondent.

Case No. 2007-281

OAH No.

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

17 FINDINGS OF FACT

18 1. On or about September 25, 1996, the Board of Registered Nursing, in the  
19 Department of Consumer Affairs (Board), issued Registered Nurse License No. 526851 to  
20 Sandra Thomas (Respondent). The License was in full force and effect at all times relevant to  
21 the charges brought herein and will expire on February 29, 2008, unless renewed.

22 2. On or about April 25, 2007, Complainant Ruth Ann Terry, M.P.H, R.N, in  
23 her official capacity as Executive Officer of the Board of Registered Nursing, filed Accusation  
24 No. 2007-281 against Sandra Thomas (Respondent) before the Board.

25 3. On or about May 3, 2007, Fe M. Domingo, an employee of the California  
26 Department of Justice, served by Certified and First Class Mail Accusation No. 2007-281 and the  
27 related Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
28 Code sections 11507.5, 11507.6, and 11507.7) to Respondent's address of record with the Board,

1 which was and is 715 Topsail Drive, Vallejo, CA 94591. Copies of the Accusation, the related  
2 documents, and Declaration of Service are attached as exhibit A, and incorporated by reference.

3 4. Service of the Accusation was effective as a matter of law under the  
4 provisions of Government Code section 11505, subdivision (c).

5 5. Government Code section 11506 states, in pertinent part:

6 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
7 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
8 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
9 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

10 6. Respondent failed to file a Notice of Defense within 15 days after service  
11 upon her of the Accusation, and therefore waived her right to a hearing on its merits.

12 7. California Government Code section 11520 states, in pertinent part:

13 "(a) If the respondent either fails to file a notice of defense or to appear at the  
14 hearing, the agency may take action based upon the respondent's express admissions or upon  
15 other evidence and affidavits may be used as evidence without any notice to respondent."

16 8. Pursuant to its authority under Government Code section 11520, the Board  
17 finds Respondent is in default. The Board will take action without further hearing and, based on  
18 Respondent's express admissions by way of default and the evidence before it, finds that the  
19 allegations in Accusation No. 2007-281 are true.

20 9. Total investigation and enforcement costs: \$3,172.25 as of July 16, 2007.

21 DETERMINATION OF ISSUES

22 1. Based on the foregoing findings of fact, Respondent Sandra Thomas has  
23 subjected her Registered Nurse License No. 526851 to discipline.

24 2. A copy of the Accusation and the related documents and Declaration of  
25 Service are attached as exhibit A.

26 3. The agency has jurisdiction to adjudicate this case by default.

27 4. The Board of Registered Nursing is authorized to revoke Respondent's  
28 Registered Nurse License based upon the following violations alleged in the Accusation:

1 a. In violation of Business and Professions Code section 2762(b) in  
2 conjunction with Business and Professions Code section 2761(a), on or about April 26, 2005  
3 and/or December 19, 2005, Respondent used alcoholic beverages to an extent or in a manner  
4 dangerous or injurious to herself, another person, or the public when Respondent engaged in  
5 dangerous and/or injurious assaultive conduct while using or after having used alcohol.

6 b. In violation of Business and Professions Code section 2761(a), on  
7 or about April 26, 2005 and/or December 19, 2005 Respondent exhibited unprofessional conduct  
8 when Respondent engaged in assaultive action(s).

9 c. In violation of Business and Professions Code section 2761(a), on  
10 or about April 26, 2005 and/or December 19, 2005 Respondent exhibited unprofessional conduct  
11 not becoming the professional practice of nursing.

12 ORDER

13 IT IS SO ORDERED that Registered Nurse License No. 526851, heretofore  
14 issued to Respondent Sandra Thomas, is revoked.

15 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
16 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
17 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
18 may vacate the Decision and grant a hearing on a showing of good cause, as defined by statute.

19 This Decision shall become effective on October 28, 2007

20 It is so ORDERED September 28, 2007

21   
22 FOR THE BOARD OF REGISTERED NURSING  
23 DEPARTMENT OF CONSUMER AFFAIRS

24  
25 40157665.wpd

26 DOJ docket number:SF2006403023

27 Attachments:

28 Exhibit A: Accusation No.2007-281, Related Documents, and Declaration of Service

Exhibit A

Accusation No. 2007-281,  
Related Documents and Declaration of Service

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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SANDRA THOMAS  
715 Topsail Drive  
Vallejo, CA 94591

Registered Nurse License No. 526851

Respondent.

Case No. 2007-281

OAH No.

**A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about September 25, 1996, the Board of Registered Nursing issued Registered Nurse License Number 526851 to Sandra Thomas (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on February 19, 2008, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

1           4.       Section 2750 of the Code provides, in pertinent part, that the Board may  
2 discipline any licensee, including a licensee holding a temporary or an inactive license, for any  
3 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4           5.       Section 2764 of the Code provides, in pertinent part, that the expiration of  
5 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
6 against the licensee or to render a decision imposing discipline on the license.

7                               STATUTORY PROVISIONS

8           6.       Section 2761 of the Code provides, in pertinent part, that the Board may  
9 take disciplinary action against a certified or licensed nurse for any of the following:

10                   (a) Unprofessional conduct . . .

11           7.       Section 2762 of the Code provides, in pertinent part, that in addition to  
12 other acts constituting unprofessional conduct, it is unprofessional conduct for a nurse to:

13                   (b) Use any controlled substance or any dangerous drug or dangerous device, or  
14 alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any  
15 other person, or the public or to the extent that such use impairs his or her ability to conduct with  
16 safety to the public the practice authorized by his or her license.

17           8.       California Code of Regulations, title 16, section 1444, states in part:

18                   “A conviction or act shall be considered to be substantially related to the  
19 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
20 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
21 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the  
22 following:

23                   “(a) Assaultive or abusive conduct including, but not limited to, those violations  
24 listed in subdivision (d) of Penal Code Section 11160.

25                               . . .

26           9.       Section 11160, subdivision (d) of the Penal Code, states in part:

27                   “For the purposes of this section, ‘assaultive or abusive conduct’ shall  
28 include any of the following offenses:

1  
2           “(8) Battery, in violation of Section 242.

3           10.     Section 125.3 of the Code provides, in pertinent part, that the Board may  
4 request the administrative law judge to direct a licentiate found to have committed a violation of  
5 the licensing act to pay the reasonable costs of investigation and enforcement of the case.

6                               FACTUAL BACKGROUND

7           11.     On or about April 26, 2005, the Vallejo Police Department responded to a  
8 call for assistance from Respondent’s roommate in her Vallejo residence. The roommate and a  
9 witness reported that Respondent had physically assaulted the roommate, including by grabbing  
10 the roommate’s arm, pushing her several times, and punching or slapping her in the arm and face.  
11 The responding officer(s) observed that Respondent appeared intoxicated. Respondent was  
12 arrested for a misdemeanor violation of Penal Code section 242 (Battery).

13           12.     On or about December 19, 2005, the Vallejo Police Department responded  
14 to an intersection blocked by an abandoned automobile. Approximately thirty (30) minutes later,  
15 Respondent, the registered owner, returned to the vehicle. The responding officer(s) observed  
16 that Respondent appeared intoxicated. Respondent became combative, slapping and/or swinging  
17 an open hand at the officer(s). Respondent was arrested for a misdemeanor violation of Penal  
18 Code section 647, subdivision (f) (Disorderly Conduct - Public Intoxication), and later charged  
19 by Misdemeanor Complaint on or about December 22, 2005 with: (1) misdemeanor violation of  
20 Penal Code section 241, subdivision (b) (Assault on Known Peace Officer); and (2) misdemeanor  
21 violation of Penal Code section 647, subdivision (f) (Disorderly Conduct - Public Intoxication).

22                               FIRST CAUSE FOR DISCIPLINE

23                               (Dangerous or Injurious Use of Alcoholic Beverages)

24           13.     Respondent is subject to disciplinary action under section 2762(b) of the  
25 Code in conjunction with section 2761(a) of the Code for use of alcoholic beverages to an extent  
26 or in a manner dangerous to herself, any other person, or the public in that, as further described in  
27 paragraphs 11-12, on or about April 26, 2005 and/or December 19, 2005, Respondent engaged in  
28 dangerous and/or injurious assaultive conduct while using or after having used alcohol.

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Assaultive Acts)

3 14. Respondent is subject to disciplinary action under section 2761(a) of the  
4 Code for unprofessional conduct in that, as further described in paragraphs 11-12, on or about  
5 April 26, 2005 and/or December 19, 2005, Respondent engaged in assaultive conduct.

6 THIRD CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct)

8 15. Respondent is subject to disciplinary action under section 2761(a) of the  
9 Code in that, as further described in paragraphs 11-12, on or about April 26, 2005 and/or  
10 December 19, 2005, Respondent engaged in conduct not becoming the practice of nursing.

11  
12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 526851, issued  
16 to Sandra Thomas (Respondent);

17 2. Ordering Respondent to pay the Board reasonable costs of investigation  
18 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

19 3. Taking such other and further action as is deemed necessary and proper.

20 DATED: 4/25/07

21  
22 Ruth Ann Terry  
23 RUTH ANN TERRY, M.P.H., R.N.  
24 Executive Officer  
25 Board of Registered Nursing  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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